



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation
Agency Background Document

Agency Name:	Department of Social Services
VAC Chapter Number:	22 VAC 15-30
Regulation Title:	Minimum Standards for Licensed Child Day Centers
Action Title:	Amend (Article 2 Exclusion)
Date:	May 2, 2000

Where an agency or regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file with the Registrar and publish their regulations in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

This agency background document may be used for actions exempt pursuant to § 9-6.14:4.1(C) at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar at the proposed stage.

In addition, agency actions exempt pursuant to § 9-6.14:4.1(B) of the APA are not subject to the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and therefore are not subject to publication. Please refer to the *Virginia Register Form, Style and Procedure Manual* for more information.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Section 9-6.14:4.1 C 4 (a) of the Code of Virginia applies to the proposed regulatory amendment since it is necessary to conform to two changes in the Code (1999 Virginia Acts Chapter 454 and 2000 Virginia Acts Chapter 61) and no agency discretion is involved. Exemptions 11 and 12 to the child day center definition in 22 VAC 15-30-10 were changed to reflect the exemptions in the

Code of Virginia. The change to exemption 11 allows children of on-duty, part-time employees working less than two hours a day to attend a child-minding service without making the program subject to licensure. Exemption 12 was revised to include the various organizations that accredit preschool programs.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency .including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

The Child Day-Care Council approved on April 13, 2000 the change to 22 VAC 15-30-10 in the regulation entitled Minimum Standards for Licensed Child Day Centers for a final adoption period according to Section 9-6.14:4.1 of the Code of Virginia.

Additional Information

Please indicate that the text of the proposed regulation, the reporting forms the agency intends to incorporate or use in administering the proposed regulation, a copy of any documents to be incorporated by reference are attached.

Please state that the Office of the Attorney General (OAG) has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law. Note that the OAG's certification is not required for Marine Resources Commission regulations.

If the exemption claimed falls under § 9-6.14:4.1(C) (4)(c) of the APA please include the federal law or regulations being relied upon for the final agency action.

Attached is the proposed revision to 22 VAC 15-30-10 of the Minimum Standards for Licensed Child Day Centers. There are no changes to the text of the rest of the regulation, the forms or the documents previously incorporated by reference. The Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that the regulation comports with applicable state law and meets Section 9-6.14:4.1 C 4 (a) of the Code of Virginia, which allows for an exclusion from Article 2 of the Administrative Process Act.

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This change to the regulation is based on two revisions to the law. Regarding the change to exemption 11:

- 1) it will allow parents working less than two hours a day at commercial or recreational establishments an additional choice for child care when the establishment offers a child minding service.

- 2) it could encourage economic self-sufficiency of families by allowing parents the opportunity to use child-minding services while they perform part-time work in these facilities.
- 3) it should not strengthen or erode the marital commitment.
- 4) it could increase disposable family income by part-time employment; without the provision of easily available child care, parents may decide not to engage in part-time work.

Regarding the change to exemption 12:

- 1) it may allow parents an additional option for child care (instead of using licensed or religious exempt centers) if the Department of Education recognizes the associations listed in this exemption and preschool programs decide to pursue accreditation.
- 2) it should not encourage or discourage economic self-sufficiency, self-pride, or assumption of responsibility.
- 3) it should not strengthen or erode the marital commitment.
- 4) it should not increase or decrease disposable family income.

These two changes will result in the center regulation being up-to-date and accurate with the Code, which could help parents in their search for child care.